

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**JACKIE C. ROWE, MARY ROWE,
KENNY J. WERDEHAUSEN, and ANITA
WERDEHAUSEN**

Plaintiffs,

vs.

BENICORP INSURANCE COMPANY,

Defendant.

Case No. 2:04-cv-00022 SNL

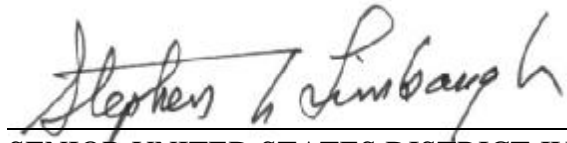
ORDER

In its Memoranda issued concurrently with this Order, the Court found that this case is to be decided under the abuse of discretion standard. When reviewing the plan administrator's decision under the abuse of discretion standard, a court can only consider the evidence that was before the plan administrator when the claim was denied. *Shelton v. ContiGroup Cos., Inc.*, 285 F.3d 640, 642 (8th Cir. 2002); *Farley v. Arkansas Blue Cross & Blue Shield*, 147 F.3d 774, 777 (8th Cir. 1998). Therefore, all depositions and affidavits submitted to this Court are hereby stricken from the record.

Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion to Strike (#87) is **GRANTED**. All affidavits and depositions submitted will be stricken from the record.

Dated this 1st day of February, 2006.

A handwritten signature in dark ink, reading "Stephen T. Limbaugh". The signature is written in a cursive style with a horizontal line crossing through the middle of the name.

SENIOR UNITED STATES DISTRICT JUDGE